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OFFICE OF PETITIONS

In re Application of  
Packes, et al.  
Application No. 09/930,717  
Filed: August 15, 2001  
Attorney Docket No. 00-065  
For: SYSTEM AND METHOD FOR  
AUTOMATED PLAY OF LOTTERY GAMES

: DECISION ACCORDING STATUS  
: UNDER 37 CFR 1.47(a)

This decision is in response to the petition under 37 CFR 1.47(a), filed January 11, 2002.

The petition is granted.

Petitioners have shown that the non-signing inventors, John Packes, Jr., Michael Steib, and Andrew Golden, have constructively refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declarations/statement of facts of several Walker Digital employees establish that the non-signing inventors would not cooperate. Senior Patent Paralegal Veronika Leliever states that she successfully mailed the inventors the application papers, including the specification, claims and drawings and that during a November 16, 2001 telephone conversation with Inventor Steib that he shared his belief that the assignment agreement to Walker Digital was not valid. Paralegal Michael Brinton left messages at the last known telephone numbers for the non-signing inventors, but none, including Mr. Golden, returned calls. James Jorasch, Vice President of Research and Development states that Mr. Packes on multiple occasions agreed to stop by his former employer's office to sign papers, but failed to do so over more than a 3 month period. Petitioners have submitted a declaration in compliance with 37 CFR 1.63 and 1.64, the petition fee, and a statement of the last known addresses for the non-signing inventors.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will

also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be forwarded to Publications Division.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.



E. Shirene Willis  
Senior Petitions Attorney  
Office of Petitions